

REMARKS

In response to the Office Action mailed November 17, 2005, Applicants respectfully request reconsideration. Claims 1-13 and 15 were previously pending in this application. By this amendment, Applicants are canceling claim 13 without prejudice or disclaimer and amending claims 1, 9, and 15. As a result, claims 1-12 and 15 are pending for examination and the application as presented is believed to be in condition for allowance.

The Office Action rejected claims 1-13 and 15 under 35 U.S.C. §102(e) as purportedly being unpatentable over Mileaf (6,598,748). Applicants respectfully disagree with this rejection.

Claim 1

Claim 1, as amended, is directed to a method for sorting a plurality of items, to each of which a sequence number is assigned, into a predetermined sorted sequence using a plurality of sorting regions, including for each sort, at least two initial sorting regions, and at least two additional sorting regions, at least one of the additional sorting regions functioning as a return region, the items being initially located, in an unsorted order, in the at least two initial sorting regions, the method comprising the acts of: sorting the items in each of the at least two initial sorting regions into an intermediary sorted set by moving at least some of the items-at least one of the initial sorting regions between the at least one initial sorting region and at least two of the additional sorting regions; and sorting the items within each intermediary sorted set by moving at least some of the items to the return region in substantially the predetermined sorted sequence.

Mileaf fails to disclose or suggest that the items are initially located, in an unsorted order, in at least two initial sorting regions. That is, as shown in Figure 4a, items are fed in from feeder 10 in an unsorted order. To the extent that feeder 10 may be considered an initial sorting region at all, it is only a single sorting region. Claim 1 requires that the items be initially located in at least two initial sorting regions. As shown in Figure 4c, the items are then moved from the feeder 10 in sorted order to towers 16-12 and 16-13. It is unclear from the Office Action whether the Examiner considers towers 16-12 and 16-13 to be initial sorting regions or additional sorting regions. However, even the Examiner considers towers 16-12 and 16-13, which they are not, the items in towers 16-12 and 16-13 are not initially located in unsorted order. Rather, the items are sorted from feeder 10 into these towers in a particular order.

Thus, Mileaf fails to disclose or suggest that the items are initially located, in an unsorted order, in at least two initial sorting regions. Thus, claim 1 patentably distinguishes over Mileaf. Accordingly, it is respectfully requested that the rejection of claim 1 under 35 U.S.C. §102(e) be withdrawn. Claims 2-8 depend from claim 1 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of claims 2-8 under 35 U.S.C. §102(e) be withdrawn.

Claims 9 and 15

Both claim 9 and claim 5, as amended, are directed to an apparatus for sorting a plurality of postal bins. By contrast, Mileaf is directed to sorting flats and does not disclose or suggest postal bins. The Office Action asserts that Mileaf discloses sorting postal bins at column 10, line 33. *See* Office Action, page 4, ¶13. Applicants respectfully disagree. The tower assembly 16 disclosed by Mileaf sorts flats into Carrier Walk Sequence (CWS) and outputs the flats into postal bins. As shown in Figure 3, tower assembly 16 sorts flats and outputs them to containerization modules which contain mail tubs. Column 10, lines 33-36. Mileaf does not disclose or suggest sorting the mail tubs themselves.

By contrast, claims 9 and 15 are directed to an apparatus for sorting postal bins, not mail flats. As discussed in Applicants' specification at page 2, lines 4-11, a destination post office may have a mail sorting machine that sorts individual pieces of mail into bins according to group assignments. However, some groups may be too large to fit into a single bin, and each of those "oversized" groups will be assigned to multiple bins. As a result, while the items are arranged in some order inside the bins, the bins themselves might be out of order. If the mail sorting machines leave the bins in different physical locations, then there is the additional task of sorting and combining the bins themselves such that they are returned to a desired location, serially and in order.

As should be clear from the discussion above, Mileaf is directed to sorting individual mail pieces (i.e., flats) and not postal bins. Thus, claims 9 and 15 patentably distinguish over Mileaf. Accordingly, it is respectfully requested that the rejection of these claims under 35 U.S.C. §102(e) be withdrawn.

Claims 10-12 depend from claim 9 and are patentable for at least the same reasons. Accordingly, it is respectfully requested that the rejection of these claims be withdrawn.

Serial No.: 10/624,866
Conf. No.: 7654

- 7 -

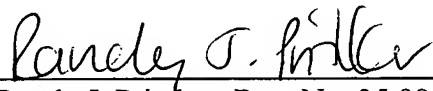
Art Unit: 3653

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Patrick J. Fitzgibbons et al., Applicant(s)

By: 
Randy J. Pritzker, Reg. No. 35,986
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: L0562.70046US00
Date: 1/17/06
x01/17/06x